

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 343X)

CENTRAL OF GEORGIA RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
NEWTON COUNTY, GEORGIA

Decided: November 18, 2016

Central of Georgia Railroad Company (CGR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 14.90 miles of rail line between milepost E 65.80 (at the point of the line's crossing of Route 229 in Newborn) and milepost E 80.70 (near the intersection of Washington Street, SW, and Turner Lake Road, SW, in Covington), in Newton County, Ga. Notice of the exemption was served and published in the Federal Register on July 19, 2013 (78 Fed. Reg. 43,273).

By decision and notice of interim trail use or abandonment (NITU) served August 19, 2013, the proceeding was reopened and a 180-day period was authorized for Newton County Trail-Path Foundation, Inc. (Newton Trail) to negotiate an interim trail use/rail banking agreement with CGR for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act). The trail use negotiation period under the NITU was extended several times, most recently to January 30, 2017.

In a letter filed on September 28, 2016, CGR and Newton Trail gave notice to the Board that they had entered into a lease agreement for interim trail use and rail banking for the 14.90 miles of rail line that was subject to abandonment. CGR and Newton Trail submitted a map of the rail line pursuant to the requirements of 49 C.F.R. § 1152.29(h).

On October 14, 2016, CGR and Newton Trail filed a letter stating that the map attached to the September 28, 2016 letter did not properly depict the location of milepost E 65.80. CGR and Newton Trail state that milepost E 65.80 actually corresponds to a point just east of the Ziegler Road crossing west of downtown Newborn, Newton County, Ga., and attach a corrected map reflecting this location. On October 14, 2016, CGA also filed a letter to correct the map attached to the notice of exemption, and clarify the parenthetical references to milepost E 65.80 in the notice filed on July 1, 2013, and the notice served on July 19, 2013, to read: “(a point just east of the Ziegler Road crossing west of downtown Newborn)”.¹

¹ Those requests will be addressed in a separate decision.

The October 14, 2016 letters also demonstrate the need to correct the parenthetical reference to milepost E 65.80 in the NITU issued on August 19, 2013. Because it does not appear that anyone has been prejudiced by the description of milepost E 65.80, that parenthetical reference is modified to read as follows: “(a point just east of the Ziegler Road crossing west of downtown Newborn)”. The remainder of the August 19, 2013 NITU remains unchanged.

It is ordered:

1. The Board accepts the revised map submitted by CGR and Newton Trail with their October 14, 2016 letter.
2. The NITU is modified as described above.
3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.